THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.11219 of 2005

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Dated:28.03.2006

Between:

Gram Panchayat, Velpur, and another.

..... PETITIONER

AND

The District Collector, West Godavari, Eluru, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

–

WRIT PETITION No.11219 of 2005

ORDER:

The Gram Panchayat, Velpur, and its Sarpanch are the petitioners herein. They are aggrieved by the action of the first respondent in according administrative sanction under MPLAD (Member of Parliament Local Area Development) Scheme for construction of ryot community hall admeasuring about 48 square yards. It is the case of the petitioners that the Gram Panchayat passed a resolution on 30.08.2004 to construct a new Village Chavidi in the existing place with dilapidated Chavidi, but the District Collector on the instance of the rival group accorded the sanction for construction of Village Chavidi, which is illegal.

The learned Counsel for the petitioners has taken this Court through the resolution passed by the first petitioner on 30.08.2004 wherein the Gram Panchayat expressed no objection for construction of Village Chavidi in R.S.No.127/3 of the Village. Even when the resolution was considered, it appears, the member of 13th Ward, Sri Gadigatla Dhana Raju, informed the proposal for construction of Ryot Sangham. The Village Secretary put up a note to the effect that the Department of Revenue has authority and power to use the land in R.S.No.127/3 for other purposes. However, the Gram Panchayat passed resolution for construction of Village Chavidi.

Admittedly, when the District Collector accorded sanction for construction of Ryot Community Hall, the resolution passed by the Gram Panchayat on 30.08.2004 was not in the knowledge of the District Collector. Therefore, the action of the District Collector in according administrative sanction cannot be faulted nor can be said to be contrary to resolution No.44 passed by the Gram Panchayat. The petitioner has already approached the District Collector for redressal on 19.04.2005. The District Collector may look into the same. The issue raised herein namely, whether the Village Chavadi should be constructed or Ryot Community Hall should be constructed in the land in R.S.No.127/3 is not justiciable issue as it lacks adjudicative disposition.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28.03.2006

vs